IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 23157 of 2007(F)

PETITIONER:

MOHANA HARIDAS, VENATTU HOUSE,
NEAR BHAJANA MADOM, KUTTIPUZHA.

BY ADV. SRI.FEBIN J.VELUKARAN

RESPONDENTS:
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1. THE SPECIAL SALE OFFICER,
ERNAKULAM, DIST CO-OPERATIVE BANK.

2. V.BHANUMATHY, VETTOMPAZHOOR,
NAITHODE P.O., ANGAMALY.

3. K.M.HARIDAS, MULLAPALLY HOUSE,
KORATTY, THRISSUR DIST.

ADDL. 4. THE ERNAKULAM DISTRICT CO-OPERATIVE BANK, KALADY BRANCH,
REP. BY ITS MANAGER.

(ADDL. 4TH RESPONDENT IS IMPLEADED VIDE ORDER ON IA NO.10720/0 DATED 7.8.2007).

R1 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R5 BY ADV. SRI.P.V.SURENDRANATH,SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 23157 OF 2007 F

Dated this the 7th August, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner is the wife of third respondent. Third respondent stood surety for a loan taken by the second respondent from the additional fourth respondent. It is her case that there is no authority for the first respondent, Special Officer to proceed against the petitioner's property including movables. Petitioner preferred Ext.P4 representation. According to petitioner, she is a house wife and the proceedings initiated against her on the basis of Ext.P3 demand notice is illegal, since she is not a party to the transaction. It is submitted that only on the ground that the third respondent is a surety for the loan taken by second respondent, action cannot be taken against her. Learned counsel appearing on behalf of the additional fourth respondent, on the other hand, submits that at present there is no proceeding against the petitioner. In such circumstances, I feel

that there is no need for any orders from this Court. The Writ Petition is closed.

K. M. JOSEPH, JUDGE

kbk.